



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Caption:

Kendall D. Reese

Full name(s) of Plaintiff(s)

v.

UBER

COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION

CIVIL ACTION
NO. 18 **3300**

Full name(s) of Defendant(s)

This action is brought for discrimination in employment pursuant to (check only those that apply):

- Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

- Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634.

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission, and you must have been at least 40 years old at the time you believe that you were discriminated against.

- Americans with Disability Act of 1990, as codified, 42 U.S.C. §§ 12112-12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

- Pennsylvania Human Relations Act, as codified, 43 Pa. Cons. Stat. §§ 951-963 (race, color, family status, religious creed, ancestry, handicap or disability, age, sex, national origin, the use of a guide or support animal because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals).

NOTE: In order to bring suit in federal district court under the Pennsylvania Human Relations Act, you must first file a complaint with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations, and then you must wait one year prior to filing a lawsuit.

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name: Kendall D. Reese
 Street Address: 2252 N. Lambert Street
 County, City: Philadelphia, Philadelphia
 State & Zip: Pennsylvania, 19132
 Telephone Number: (215) 380-8296

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the caption on the first page. Attach additional sheets of paper as necessary.

Defendant Name: UBER
 Street Address: 1455 Market St. #400
 County, City: San Francisco
 State & Zip: California, 94103
 Telephone Number: 1 866 576 1039 (800 353 8237)

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer: UBER
 Street Address: 7821 Bartram Ave,
 County, City: Philadelphia, PA
 State & Zip: Pennsylvania, 19153
 Telephone Number: 1 866 576 1039

II. Statement of the Claim

- A. The discriminatory conduct of which I complain in this action includes (*check only those that apply to your case*):

- Failure to hire me
 Termination of my employment
 Failure to promote me

- Failure to reasonably accommodate my disability
 Failure to reasonably accommodate my religion
 Failure to stop harassment
 Unequal terms and conditions of my employment
 Retaliation
 Other (specify): _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

- B. It is my best recollection that the alleged discriminatory acts occurred or began on or about: (month) 5, (day) 15, (year) 2018.
- C. I believe that the defendant(s) (check one):
- is still committing these acts against me.
 is **not** still committing these acts against me.
- D. Defendant(s) discriminated against me based on my (*check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged*):
- race African American color _____
 religion _____ gender/sex _____
 national origin _____
 age My date of birth is _____ (*Give your date of birth only if you are asserting a claim of age discrimination*)

- E. The facts of my case are as follow (*attach additional sheets of paper as necessary*):

See attachments

NOTE: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the Pennsylvania Human Relations Commission, or the Philadelphia Commission on Human Relations.

III. Exhaustion of Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on: 5/15/18 (Date).

B. The Equal Employment Opportunity Commission (check one):

has not issued a Notice of Right to Sue Letter.
 issued a Notice of Right to Sue Letter, which I received on 6-20-2018 (Date).

NOTE: Attach to this complaint a copy of the Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

C. Only plaintiffs alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one):

60 days or more have passed.
 fewer than 60 days have passed.

D. It is my best recollection that I filed a charge with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct on: _____ (Date).

E. Since filing my charge of discrimination with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct (check one):

One year or more has passed.
 Less than one year has passed.

IV. Relief

WHEREFORE, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs as well as (*check only those that apply*):

- Direct the defendant to hire the plaintiff.
- Direct the defendant to re-employ the plaintiff.
- Direct the defendant to promote the plaintiff.
- Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- Direct the defendant to reasonably accommodate the plaintiff's religion.
- Direct the defendant to (*specify*): _____
- If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- Other (*specify*): *Car loan fix down any damage done to plaintiff's credit.*

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 3 day of August, 2018.

Signature of Plaintiff

Address



John Dill
2252 N Hamilton
Street, Philadelphia, Pa.
19132

Telephone number

Fax number (*if you have one*)

(215) 380 - 8296

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Kendall Reese
2252 N. Lambert street
Philadelphia, PA 19132

From: Philadelphia District Office
801 Market Street
Suite 1300
Philadelphia, PA 19107



*On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
550-2018-01255	Legal Unit, Legal Technician	(215) 440-2828

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

Other (briefly state) Non-Jurisdictional

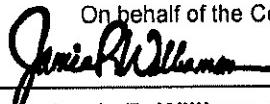
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission



Jamie R. Williamson,
District Director

Enclosures(s)

6/20/2018

(Date Mailed)

cc:

Michael Chan
Paralegal II
UBER TECHNOLOGIES
1455 Market Street, 4th Floor
San Francisco, CA 94103

Enclosure with EEOC
Form 161 (11/16)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

Kendall Reese (plaintiff)

08/02/2018

As the plaintiff, I am declaring that I am African American and that I am being discriminated against because of my race. In Nixon I – John's Vending, 453 PA, at 494-495, 309 A.2d at 362, there is a question about public interest. What is the public's interest in denying me employment? I have received an unfortunate and illegal lifetime ban. There is a new Pennsylvania in law in place that seals records automatically to prevent such an unlawful practice. § 9122.1. Order for limited access. (a) General rule.-- The following shall apply: (1) Notwithstanding any other provision of this chapter, upon petition of a person who has been free of arrest or prosecution following conviction or final release from confinement or supervision, whichever is later, for a period of 10 years, the court of common pleas in the jurisdiction where the conviction occurred may enter an order that criminal history record information maintained by any criminal justice agency pertaining to a conviction for a misdemeanor of the second degree, a misdemeanor of the third degree or an ungraded offense which carries a maximum penalty of no more than two years be disseminated only to a criminal justice agency or a government agency as provided in section 9121(b.1) and (b.2) (relating to general regulations). (2) Except when requested or required by a criminal justice agency, or by and for the official use of a government agency described in section 9121(b.1) or 9124(a) (relating to use of records by licensing agencies), no individual shall be required nor requested to disclose information about the person's criminal history records that 20150SB0166PN1517 - 3 - <-- <-- 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 are the subject of a court order for limited access granted under this section. This unlawful practice of excluding anyone with a criminal record runs a foul as it is simply and deeply ingrained in public policy of this state to evade unwarranted shame and humiliation of creating unreasonable restrictions on former offenders. In my case as a member of the African American race we are unfairly over represented in the criminal justice system which creates a desperate impact in this situation. When a company targets ex-felons it disproportionately affects African American males to forever foreclose a permissible means of becoming gainfully employed because of an improvident act in one's distant past we completely lose sight of any notion of forgiveness for prior errant behavior and adds yet another hurdle along an already difficult road to rehabilitation.

In my case, I was hired by UBER, drove for more than a year. I had already dealt with issues in the past pertaining to being under employed and unemployed as it has been difficult. So, I started driving UBER to start my own business in which I was being successful. I had over 2000 rides with the company, over 755 – five star trips and plenty compliments and tips. Without warning, I was sent an email that they were going over the same record that I had when I applied more than a year ago to reevaluate it. 15 days later, I was shut out of my account. We I went to visit the corporate office for assistance, I was met with unprepared staffers. I was only given first names and told that there was nothing they could do nor anyone they could connect me with; even though, I told them about my since of urgency, I picked up a car note and worked on my credit for the whole year. He just shrugged his shoulders and said I can't help you and he was the manager. He also said in a condescending way, take the legal route. (I tapped the conversation and I am willing to share this with the press). My record is 28 and 33 years old. I also have a master's degree, and has been a leader in my community as I have served on boards, mentored, trained and coached at-risk youth and young adults for almost 20years. The UBER Corporation is involved in unlawful employment practices sec. 2000e-2[section 703] it shall be unlawful practice for an employer – (2) to limit, segregate, or classify his employees or applicants for employment opportunities

or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin and in my case denied me employment. As I was released for the same record that I applied with. Nothing changed in that year of driving and I exhibited a great driving record with the company. §9-3501. (a) Persons with criminal records suffer from pervasive discrimination in many areas of life – employment, housing, education, etc...

(b) As of 1999, more than 71 million people nationwide had criminal records and are reported to experience lifelong discrimination because of their past conviction, and Pennsylvania has a higher corrections population than all but eight states, resulting in large numbers of people whose backgrounds include past criminal convictions and /or imprisonment

(f) Criminal background checks by employers have increased at a record rate, with a vast majority of employers in the U.S. now screening their workers for criminal records, unfortunately this is creating an adverse effect on African American men as they are unemployed at double the rate of their white counterparts

(e) The people of color convicted and incarcerated nationwide exceeds the percentage of their representation in the population as a whole, which disproportionately impacts their live, families and communities

(i) Obstacles to employment for people with criminal records and other barriers to re-entry are creating permanent members of an underclass that threatens the health of the community and undermine public safety

(k) This legislation is intended to give the individual with a criminal record an opportunity to be judged on his or her own merit during the submission of the application and at least until the completion of the one interview but in this case what was just cause to discontinue the plaintiff's employment. I am also asking for records of the last five years where individuals who were hired or not hired by this company for simply having a criminal record and let go without cause or not using an individualize assessment to justify your company was not using a discriminatory practice. Knowingly or unknowingly it is the company's responsibility to not discriminate.